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In re Application of : **OFFICE OF PETITIONS**
Modarressi et al. :
Application No. 09/746,650 : DECISION ON PETITION
Filed: December 26, 2000 :
Attorney Docket No. BS97-052 :
:

This is a decision on the petition, filed November 29, 2007, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Allowance and Notice of Allowability mailed January 3, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 12, 2006.

Petitioner asserts that the Notice of Allowance and Notice of Allowability dated on January 3, 2006 was not received.

A review of the written record indicates an irregularity in the mailing of the Notice of Allowance and Notice of Allowability of January 3, 2006. In this regard, the Office received a revocation of power of attorney, change of address and 37 CFR 3.73(b) statement on August 27, 2004, prior to the mailing of the Notice of Allowance of January 3, 2006. A review of the record shows the August 27, 2004 request to change address has not been located. Petitioner has provided a stamped postcard receipt, which serves as *prima facie* evidence that the request was previously received. As such, Office records were not updated to reflect this new change of address. Accordingly, as the Notice of Allowance and Notice of Allowability were mailed to an incorrect address, the Notice of Abandonment mailed May 12, 2006 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2616 for remailing the Notice of Allowance and Notice of Allowability of January 3, 2006 and resetting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant

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Office of Petitions